

### R E M A R K S

The above amendment is submitted in response to the Examiner's Action, paper number 3. In that Action, the Examiner rejected claims 1-15 as being anticipated by Weathers.

Applicant is including a copy of Fig. 2 of the application with a proposed change to a reference character noted in red ink. Approval of this change is requested by the Examiner. The comparable text in the specification is also included in the present amendment to note this change.

Applicant has also submitted a new set of claims incorporating the audio tone generation feature as well as the continuous delivery of an audio signal to the patient being treated by the clinician. It is believed that Weathers does not show these structural features.

Weathers describes a psychotherapy apparatus which calls for the isolation of a patient from external stimuli and the presentation of visual and auditory stimuli to the patient. A Weathers apparatus also delivers a flow of air to the patient's nostrils and controls the temperature of the air. Psychological monitoring takes place in the Weathers apparatus and such feedback is used to apply the visual and auditory stimuli as well as control the temperature of the air delivered to the patient. Weathers anticipates the delivery of visual stimuli with a sound generating device operated in an alternating fashion such that the sound

portion is alternated between the ears of the patient. Although Weathers does not detail the sound generating device, it is stated that the sound generating device might take the form of an audio cassette player operable by the clinician. In addition, the audio device may take the form of a live verbal message through a microphone.

Applicant's device as described in Applicant's newly drawn claims 16-23, means is provided for generating a specific audio tone. Most importantly, the tone is delivered to the patient in a continual manner such that when the tone is not delivered to the left or right ear of the patient, the tone is delivered to both ears. Thus, there is no gap in delivery of internally generated tone. Moreover, the tone may be selected from a musical scale and be coordinated with physiological measurements such as body temperature, pulse rate, and the like.

Applicant was the first to teach a device for applying therapeutic stimuli to a subject in which an audio tone is internally generated and continually delivered to the ears of the user. Weathers does not teach or suggest this structure. In addition, none of the other prior art references taken alone or in combination with Weathers renders Applicant's invention obvious. Thus, it is believed that Applicant's device as described in newly added claims 16-23 as novel and should be afforded patent protection.

The passing to issue of the application at an early date  
is earnestly solicited.

Respectfully submitted,



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